

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cr-072

Also 3:11-cv-123

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

:

ROGER MATHEWS, JR.,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 63), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 30, 2011, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the final judgment dismissing the § 2255 motion in this case be reopened and Defendant is granted leave to file an amended § 2255 motion not later than November 1, 2011.

October 3, 2011.

*\*s/THOMAS M. ROSE*

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Thomas M. Rose  
United States District Judge